

(5) Officer Employment Procedure Rules

1. RECRUITMENT AND APPOINTMENT

1.A

1.1 Recruitment Policy

Recruitment of employees will be in accordance with the Council's recruitment and appointment policies and the Council will recruit from the widest possible field and every appointment shall be made on merit, except where the Council seeks to avoid redundancy by identifying alternative employment opportunities, or there are exceptional circumstances.

1.2 Legislation

The Council's recruitment procedures are governed by extensive legislation, particularly the laws relating to discrimination and equality of opportunity.

These Rules reflect existing statutory provisions and in particular the Local Government Act 1985, the Control of Employment Act 1975, the Data Protection Act 2002 and the Equality Act 2017.

1.B

1.1 Declarations

- (a) Any applicant for appointment as an officer is required to state on the application for employment form whether they are related to an existing Member or Officer of the Council.
- (b) No applicant so related to a Member or an officer will be appointed without the authority of the Chief Executive as Head of Paid Services.

1.2 Seeking support for appointment.

- (a) The Council will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (b) No Member will seek support for any person for any appointment with the Council.
- (c) An applicant who fails to disclose such a relationship will be disqualified from the appointment, and if appointed will be liable to dismissal without notice.
- (d) The purpose of such disclosures is to ensure openness, probity, equality and effectiveness of management, and Member / officer relationships.

2. RECRUITMENT OF CHIEF EXECUTIVE, CHIEF OFFICERS AND ASSISTANT CHIEF OFFICERS

Where the Council proposes to appoint a Chief Executive, Chief Officer or Assistant Chief Officer, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3. APPOINTMENT OF CHIEF EXECUTIVE

The full Council will approve the appointment of the Town Clerk and Chief Executive following the recommendation of such an appointment by a Committee of the Council chaired by the Leader. The appointment of a Town Clerk and Chief Executive should also be subject to approval of the Department of Infrastructure (Local Government Act 1985).

4. APPOINTMENT OF CHIEF AND ASSISTANT CHIEF OFFICERS

The appointment of Chief and Assistant Officers will be made by a panel of no more than three members and advised by three officers, and will usually include the Leader and Chair of the relevant Committee.

The officers will normally be the Chief Executive, the relevant Chief Officer and the Assistant Chief Officer (Human Resources) or their respective nominees.

5. OTHER APPOINTMENTS

- 5.1 Appointments below Assistant Chief Officer are the responsibility of the Head of Paid Services or his/her nominee, and shall not involve Members.
- 5.2 Interview panels consisting of no more than three officers be approved for posts up to and including PO Grade.

6. DISCIPLINARY ACTION

6.1 Suspension

The post of Chief Executive and Chief Officer are subject to the procedures set out in the "JNC Conditions of Service for Chief Executives" and may only be suspended by full Council whilst an investigation takes place into alleged misconduct or their capability. That suspension will be on full pay and last no longer than two months.

6.2 **Independent Person**

No other disciplinary action may be taken in respect of any of the officers referred to in the above paragraph except in accordance with a recommendation in a report made by a designated independent person under the JNC Conditions of Service.

6.3 **Involvement of Members**

Members will not be involved in the disciplinary action against any officer below Chief Officer except where such involvement is necessary for any investigation or inquiry into alleged misconduct, although the Council's disciplinary, capability and related procedures, as adopted from time to time may allow a right of appeal to Members in respect of disciplinary action. That involvement will be via the Council's Appeals Committee.

7. **DISMISSAL**

7.1 Subject to Officer Employment Rule 8.2 Members will not be involved in the dismissal of any officer below Chief Officer other than redundancy or efficiency of the service requirements where consideration of the financial interests of the Council is required, or where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Council's disciplinary, capability and related procedures, as adopted from time to time, may allow a right of appeal to Members in respect of dismissals.

7.2 The full Council must approve the dismissal of the Chief Executive or Chief Officers. Until the full Council has approved the dismissal no notice of dismissal is to be given.

8. **MANAGEMENT OF EMPLOYEES**

8.1 All Chief Officers will be accountable to the Chief Executive for the management of their Departments.

8.2 In fulfilling this management role, Chief Officers will comply with the Council's human resources policies with regard to recruitment, selection and employment of employees, and in accordance with relevant legislation.

8.3 All Managers are responsible for the effective recruitment, development and promotion of their workforce, and provide training where appropriate.

9. **HUMAN RESOURCES**

Any proposal to establish or change policy must be supported by a written report to the appropriate forum, by the Assistant Chief Officer (Human Resources).

The Assistant Chief Officer (Human Resources) must report to the Chief Executive any breaches of the Council's human resources policy, which may affect or call into account the sound management of human resources within the Council.